

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**MISSISSIPPI ASSOCIATION OF
EDUCATORS, ET AL.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:25-cv-00417-HTW-LGI

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING, ET AL.**

DEFENDANTS

**NON-IHL DEFENDANTS' AND ATTORNEY GENERAL'S MOTION TO DISMISS
AMENDED COMPLAINT [ECF #22] FOR LACK OF
SUBJECT-MATTER JURISDICTION**

The Non-IHL Defendants¹ and Defendant Lynn Fitch, in her official capacity as Attorney General of Mississippi, by and through counsel, pursuant to Rule 12(b)(1), *Federal Rules of Civil Procedure*, file this their motion to dismiss the Amended Complaint for Injunctive and Declaratory Relief [ECF #22] filed against them by Plaintiffs, and in support thereof would show unto the Court the following:

1. Plaintiffs' claims against the Non-IHL Defendants should be dismissed because all Plaintiffs lack Article III standing as to the Non-IHL Defendants. Plaintiffs' claims against the

¹ As used herein, "Non-IHL Defendants" refers to Defendants John Pigott, in his official capacity as Chair of the Mississippi Community College Board ("MCCB"); Cheryl Thurmond, Videt Carmichael, Donnie Caughman, Bubba Hudspeth, Dolly Marascalco, Johnny McRight, Luke Montgomery, Will Symmes, and Dianne Watson, all in their official capacities as Members of MCCB; Glen East, in his official capacity as Chair of the Mississippi State Board of Education ("MSBE"); Matt Miller, Lance Evans, Wendi Barrett, Matt Mayo, Bill Jacobs, Ronnie McGehee, Mike Pruitt, Billye Jean Stroud, and Mary Werner, all in their official capacities as Members of MSBE; Marcy Scoggins, in her official capacity as Chair of the Mississippi Charter School Authorizer Board ("MCSAB"); and Jay Carney, Sandra McKiernon, Erin Meyer, Ben Morgan, Candace Robins, and Jennifer Jackson Whittier, all in their official capacities as Members of MCSAB.

Defendant members of the Mississippi Charter School Authorizer Board (“MCSAB”)² should further be dismissed because no Plaintiff has standing to sue these defendants. Plaintiff United Campus Workers Southeast Local 3821’s (“UCW”) claims against all defendants should be dismissed because UCW lacks standing to sue any defendant. Finally, Plaintiffs’ claims against the Attorney General should be dismissed because they are barred by Eleventh Amendment sovereign immunity.

2. The Non-IHL Defendants and the Attorney General adopt and incorporate by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the *Memorandum of Authorities in Support of Non-IHL Defendants’ and Attorney General’s Motion to Dismiss Amended Complaint [ECF #22] for Lack of Subject-Matter Jurisdiction*, being filed contemporaneously herewith.

3. On the basis of the grounds asserted herein and as further set forth in the aforementioned memorandum of authorities, all claims asserted in the Amended Complaint against the Non-IHL Defendants and the Attorney General should be dismissed for lack of subject-matter jurisdiction.

4. In further support of their motion, the Non-IHL Defendants and the Attorney General submit the following:

Exhibit A Miss. H.B. 1193 (2025 Regular Session)

WHEREFORE, PREMISES CONSIDERED, the Non-IHL Defendants and the Attorney General respectfully request that the Court make and enter its Order dismissing all claims

² The MCSAB Board member defendants consist of Marcy Scoggins, in her official capacity as Chair of MCSAB; and Jay Carney, Sandra McKiernon, Erin Meyer, Ben Morgan, Candace Robins, and Jennifer Jackson Whittier, all in their official capacities as Members of MCSAB.

asserted against them in Plaintiffs' Amended Complaint [ECF #22] and dismissing them from this lawsuit.

THIS the 2nd day of July, 2025.

Respectfully submitted,

LYNN FITCH, IN HER OFFICIAL CAPACITY
AS ATTORNEY GENERAL OF MISSISSIPPI;
JOHN PIGOTT, IN HIS OFFICIAL CAPACITY
AS CHAIR OF THE MISSISSIPPI COMMUNITY
COLLEGE BOARD; CHERYL THURMOND,
VIDET CARMICHAEL, DONNIE CAUGHMAN,
BUBBA HUDSPETH, DOLLY MARASCALCO,
JOHNNY MCRIGHT, LUKE MONTGOMERY,
WILL SYMMES, AND DIANNE WATSON, ALL
IN THEIR OFFICIAL CAPACITIES AS
MEMBERS OF THE MISSISSIPPI COMMUNITY
COLLEGE BOARD; GLEN EAST, IN HIS
OFFICIAL CAPACITY AS CHAIR OF THE
MISSISSIPPI STATE BOARD OF EDUCATION;
MATT MILLER, LANCE EVANS, WENDI
BARRETT, MATT MAYO, BILL JACOBS,
RONNIE MCGEHEE, MIKE PRUITT, BILLYE
JEAN STROUD, AND MARY WERNER, ALL IN
THEIR OFFICIAL CAPACITIES AS MEMBERS
OF THE MISSISSIPPI STATE BOARD OF
EDUCATION; MARCY SCOGGINS, IN HER
OFFICIAL CAPACITY AS CHAIR OF THE
MISSISSIPPI CHARTER SCHOOL
AUTHORIZER BOARD; AND JAY CARNEY,
SANDRA MCKIERNON, ERIN MEYER, BEN
MORGAN, CANDACE ROBINS, AND
JENNIFER JACKSON WHITTIER, ALL IN
THEIR OFFICIAL CAPACITIES AS MEMBERS
OF THE MISSISSIPPI CHARTER SCHOOL
AUTHORIZER BOARD, DEFENDANTS

By: LYNN FITCH, ATTORNEY GENERAL
STATE OF MISSISSIPPI

By: s/Rex M. Shannon III
REX M. SHANNON III (MSB #102974)
Special Assistant Attorney General

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, Rex M. Shannon III, Special Assistant Attorney General and attorney for the above-named defendants, do hereby certify that I have this date caused to be filed with the Clerk of the Court a true and correct copy of the above and foregoing via the Court's ECF filing system, which sent notification of such filing to all counsel of record.

THIS the 2nd day of July, 2025.

s/Rex M. Shannon III
REX M. SHANNON III